

HIGHLY CONFIDENTIAL OUTSIDE ATTORNEY'S EYES ONLY

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INTELLECTUAL VENTURES II LLC,

Plaintiff,

V.

SPRINT SPECTRUM L.P.,
NEXTEL OPERATIONS, INC.,
ERICSSON INC.,
TELEFONAKTIEBOLAGET LM ERICSSON,
and ALCATEL-LUCENT USA INC.,

Defendants.

INTELLECTUAL VENTURES II LLC,

Plaintiff,

V.

T-MOBILE USA, INC., T-MOBILE US, INC.,
ERICSSON INC., and
TELEFONAKTIEBOLAGET LM ERICSSON,

Defendants,

NOKIA OF AMERICA CORPORATION,

Intervenor.

Civil Action No. 2:17-cv-662-JRG

JURY TRIAL DEMANDED

FILED UNDER SEAL

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JOINT STIPULATED MOTIONS *IN LIMINE*

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Defendants Sprint Spectrum L.P., Nextel Operations, Inc., Ericsson Inc., Telefonaktiebolaget LM Ericsson, T-Mobile USA, Inc., T-Mobile US, Inc., Nokia of America Corporation,¹ and Plaintiff Intellectual Ventures II LLC, hereby stipulate and agree that the following evidence, argument, or suggestion will be prohibited at trial:

1. No evidence, argument, or suggestion relating to experts' prior affiliations with, or retention by, the law firms involved in this case, or relating to prior court rulings or jury verdicts involving experts' opinions.

2. No evidence, argument, or suggestion that Defendants copied or stole anything related to the Patents-in-Suit.

3. No evidence, argument, or suggestion that IPWireless's or Neocific's commercial success or failure was caused in whole or in part by Defendants.

4. No evidence, argument, or suggestion of Ericsson or Nokia sales to any third parties (i) other than T-Mobile (such as Sprint) in the -661 case; and (ii) other than Sprint (such as T-Mobile) in the -662 case.

5. If the Court grants Defendants' pending motion on IV's willfulness claim or IV drops its willfulness claim, no evidence argument, or suggestion related to the willfulness claim.

6. No evidence, argument, or suggestion regarding any government or regulatory investigations into any party ([REDACTED]).

7. No evidence, argument, or suggestion regarding IPWireless's business dealings with any Defendant or their affiliates.

8. No evidence, argument, or suggestion regarding the nation of origin of any handset maker/manufacturer.

¹ Nokia of America Corporation is the successor-in-interest to Alcatel Lucent USA Inc.

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9. No evidence, argument, or suggestion regarding IP Wireless's LTE base stations.
10. Exclude evidence tending to tout or disparage the PTO and its examiners, such as by arguing that examiners are careful or overworked or that the PTO is competent or incompetent, as well as any reference to 'good' or 'bad' patents or any similar terms.
11. Exclude reference to the fact that any patent, claim, defense, theory, or accused product or functionality has been dropped from the case.
12. No evidence, argument, or suggestion on the Court's claim construction, including the parties' positions, the Court's rationale, anything inconsistent with the Court's construction, or any other aspect relating to claim construction other than the constructions themselves.

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Dated: April 9, 2019

Respectfully submitted,

/s/ Martin J. Black w/permission

/s/ Brianne Straka

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/s/ Andriana S. Daly w/permission

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**ATTORNEYS FOR T-MOBILE USA,
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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on April 9, 2019, with a copy of this document via electronic mail.

/s/ *Brianne M. Straka*
Brianne M. Straka

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

The undersigned certifies that this document is authorized to be filed under seal pursuant to the protective order governing this cause.

/s/ *Brianne M. Straka*
Brianne M. Straka

CERTIFICATE OF CONFERENCE

The parties conferred regarding the foregoing motion on April 8, 2019. This motion is unopposed.

/s/ *Brianne M. Straka*
Brianne M. Straka